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09/783,932	02/14/2001	Dan Kikinis	007287.00033	1334

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EXAMINER	
MUHEBBULLAH, SAJEDA	
ART UNIT	PAPER NUMBER
2174	
MAIL DATE	DELIVERY MODE
10/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/783,932	KIKINIS ET AL.	
	Examiner	Art Unit	
	SAJEDA MUHEBBULLAH	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1,3,7,9,11,12,27 and 30-41* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1,3,7,9,11,12,27 and 30-41* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment filed 7/14/2011.

2. Claims 1, 3, 7, 9, 11-12, 27 and 30-41 are pending in this application. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 7, 9, 11-12, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) in view of Etheredge (US 6,172,674).

As per claim 1, Kilgore teaches a computer-implemented method for displaying data associated with a search browser, comprising:

displaying a plurality of content sliders (Fig.6, *sliders 620*), each slider having a draggable slide knob and two ends (col.5, lines 59-61; col.6, lines 61-66), wherein each of the plurality of sliders corresponds to a different aspect of content (col.6, lines 65-66, *category*) and wherein each of the plurality of sliders is associated with a different set of content-related characteristics (col.5, lines 61-62);

for each of the plurality of content sliders, determining a currently set value of the slider based on a position of the slider's draggable slide knob in between the slider's ends (col.6, lines 61-66; col.7, lines 5-11),

displaying data corresponding to the currently set values of the plurality of content sliders (Fig.6, col.7, lines 17-21), the data comprising a set of one or more results having characteristics that match the currently set values of the plurality of sliders (col.7, lines 17-21);

receiving user input corresponding to a drag of the draggable slide knob of a first content slider to a new position in between the ends of the first content slider (col.7, lines 17-21; Fig.6, *Year slider*);

determining a changed value of the first content slider based on the new position of the draggable slider knob in between the first slider's ends (col.7, lines 17-21; Fig.6, *Year slider*); and

updating the displayed data to correspond to changed value of the first content slider, the updated data comprising a second set of one or more results having characteristics that match the changed value of the first content slider (col.7, lines 17-21; Fig.6, *Year slider*).

Although Kilgore teaches the method in one example for illustration purposes it may also be implemented in other examples (Kilgore, col.2, lines 35-41). Kilgore does not teach the data to be associated with an electronic program guide displaying programming content. Etheredge teaches a method of displaying data in an electronic program guide wherein a draggable slide knob is used to filter program data (Etheredge, Fig.4, slider 234; col.21, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Etheredge's teaching displaying programming content with Kilgore's method as an alternative example for implementing the invention.

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, the method of Kilgore and Etheredge teaches the computer-implemented method further comprising, displaying the draggable slide knobs of each of the plurality of programming content sliders concurrently with the electronic program guide data (Kilgore, Fig.6, data 610; draggable sliders 620; Etheredge, Fig.4, draggable slider 234; col.21, lines 27-37).

Claim 12 is similar in scope to claim 11, and is therefore rejected under similar rationale.

As per claim 27, the method of Kilgore and Etheredge teaches wherein the electronic program guide data corresponds to television program listings (Etheredge, Fig.4, col.6, lines 5-6).

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

5. Claims 31, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Ohkura et al. ("Ohkura", US 6,005,601)

As per claim 31, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the first content slider corresponds to a slider with a draggable slide knob (Kilgore, col.5, lines 59-61; col.6, lines 63-66). However, the method does not teach the slider to be a genre slider. Ohkura teaches a method of displaying EPG data filtered according to a selected genre (Ohkura, Fig.17, Area Z). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ohkura's teaching with the method of Kilgore and Etheredge in order to filter content based on various criteria.

As per claim 35, the method of Kilgore and Etheredge teaches the method of claim 1, further comprising displaying a plurality of draggable slide knobs however does not teach the

currently set values of each of the plurality of draggable slide knobs directly on the corresponding draggable slide knob. Ohkura teaches a method of displaying EPG data filtered according to a selected slide knob positioned on a value (Ohkura, Fig.17, 100Z). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ohkura's teaching with the method of Kilgore and Etheredge in order to view the currently set value.

Claim 36 is similar in scope to claim 31, and is therefore rejected under similar rationale.

6. Claims 32, 37, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Schein et al. ("Schein", US 6,388,714).

As per claim 32, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the programming content sliders have draggable slide knobs (Kilgore, col.5, lines 59-61; col.6, lines 63-66; Etheredge, Fig.4, draggable slider 234). However, the method does not teach the slide knob to be an actor slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on actor (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching of actor filter criteria with the method of Kilgore and Etheredge in order to filter content based on various criteria.

Claim 37 is similar in scope to claim 32, and is therefore rejected under similar rationale.

As per claim 40, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the programming content sliders corresponds to a slider with a draggable slide knob (Kilgore col.5, lines 59-61; col.6, lines 63-66; Etheredge, Fig.4, draggable slider 234). However,

the method does not teach the slide knob to be a director slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on director (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching of director filter criteria with the method of Kilgore and Etheredge in order to filter content based on various criteria.

Claim 41 is similar in scope to claim 40, and is therefore rejected under similar rationale.

7. Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Gibson (US 5,526,480).

As per claim 33, the method of Kilgore and Etheredge teaches the method of claim 1, further comprising updating the displayed data to correspond to changed value of the first content slider (Kilgore, col.7, lines 17-21; Fig.6, *Year slider*). However, the method does not teach updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider. Gibson teaches a method of displaying multimedia data using a plurality of scrollbars wherein changing a first scrollbar also updates a second scrollbar accordingly (Gibson, col.5, line 51-col.6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Gibson's teaching with the method of Kilgore and Etheredge in order to eliminate value options for faster results.

Claim 38 is similar in scope to claim 33, and is therefore rejected under similar rationale.

8. Claims 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015), Etheredge (US 6,172,674) and Gibson (US 5,526,480) in view of Schein et al. ("Schein", US 6,388,714).

As per claim 34, the method of Kilgore, Etheredge and Gibson teaches the method of claim 33, comprising updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider (Gibson, col.5, line 51-col.6, line 2). However, the method does not teach the slider to be a genre, an actor or director slider. Schein teaches a method of displaying program content wherein content may be viewed based on genre or actor (Schein, col.15, lines 31-36, 51-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Kilgore, Etheredge and Gibson in order to filter content based on various criteria.

Claim 39 is similar in scope to claim 34, and is therefore rejected under similar rationale.

Response to Arguments

9. Applicant's arguments filed 7/14/2011 have been fully considered but they are not persuasive.

Applicant argued the following:

a) There is no motivation to combine Kilgore and Etheredge.

b) Kilgore's slider controls only define a range of values based on the positions of the slider's ends, and do not include a draggable slide knob between the ends. Therefore, Kilgore does not teach or suggest "determining a currently set value of the slider based on a position of

the slider's draggable slide knob in between the slider's ends," or "determining a changed value of the first programming content slider based on the new position of the draggable slider knob in between the first slider's ends."

c) Kilgore does not teach "programming content sliders," each of which "corresponds to a different aspect of programming content" and "is associated with a different set of content-related characteristics of broadcast programs," as recited in claims 1, 3, 7, and 9. Etheredge does not cure the deficiencies of Kilgore and Etheredge still does not teach "a plurality of programming content sliders". Etheredge discloses a single slider only.

d) Ohkura does not teach "a genre slider with a draggable genre slide knob," as recited in claims 31 and 36.

e) Claims 32 and 37 each recite, "an actor slider with a draggable actor slide knob," and claims 40 and 41 each recite, "wherein the first programming content slider corresponds to a director slider with a draggable director slide knob, and wherein the director slider is associated with a set of names of directors of the broadcast programs displayed on the electronic program guide." Schein describes, at most, a method that allows users to perform text searches for movies that have a certain actor.

f) None of Kilgore, Etheredge, Okhura, Schein, or Gibson, discloses multiple sliders corresponding to different aspects of programming content. Thus, the cited references also do not teach one programming content slider based on a changed value of another programming content slider as recited in amended claims 33, 34, 38, and 39.

The Examiner disagrees for the following reasons:

Per a) In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Kilgore utilizes an example of displaying sales content to demonstrate the invention utilizing a plurality of sliders (col.2, lines 35-41) while Etheredge may be combined with Kilgore to demonstrate such an invention to be used in a EPG as in Etheredge which also uses a slider to filter programming content on an EPG.

Per b) Kilgore clearly teaches a draggable slider knob between two ends (col.6, lines 61-66, slider 620, 720) which may be dual or single. As the slider is changed the value displayed is also changed (Fig.7, 730; col.7, lines 5-11).

Per c) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kilgore utilizes an example of displaying sales content to demonstrate the invention utilizing a plurality of sliders (col.2, lines 35-41) while Etheredge may be combined with Kilgore to demonstrate such an invention to be used in a EPG to display programming content rather than the sales content of Kilgore.

Per d and e),In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kilgore teaches the use of sliders whereas Ohkura is simply combined to teach the searching of content via a different criteria of genre and Schein is simply combined to teach the searching of content via a different criteria of actor/director.

Per f), In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kilgore teaches the use of multiple sliders while Etheredge may be combined with Kilgore to demonstrate such an invention to be used in a EPG to display programming content rather than the sales content of Kilgore. Further, Gibson teaches the updating of a second scrollbar in response to changing the value of a first one (Gibson, col.5, line 51-col.6, line 2).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communications

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Wednesday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached on (571) 272-7767.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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